

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Claitor to Original House Concurrent Resolution No. 85
by Representative Barrow

AMENDMENT NO. 1

On page 1, at the end of line 4, delete the period and insert

", and also recommendations relative to adoption laws and procedures regarding the
obtaining of information by an adopted person concerning their biological parents."

AMENDMENT NO. 2

On page 1, at the end of line 11, delete the period and insert "; and"

AMENDMENT NO. 3

On page 1, between lines 11 and 12, insert

"WHEREAS, Louisiana Civil Code Article 199 presently states that, "Upon
adoption, the adopting parent becomes the parent of the child for all purposes and the
filiation between the child and his legal parent is terminated, except as otherwise
provided by law. The adopted child and his descendants retain the right to inherit
from his former legal parent and the relatives of that parent."; and

WHEREAS, Louisiana Civil Article 200 further presently states that, "The
adoption of minors is also governed by the provisions of the Children's Code."; and

WHEREAS, requirements for adoption proceedings, confidentiality of
adoption records, and procedures for disclosure to adopted persons of inheritance,
medical, and other adoption record information are presently provided in Louisiana
law and set forth in numerous statutes and code articles, including R.S. 40:72, 73, 74,
75, 76, 77, 78, and 79, and Children's Code Articles 1180, 1181, 1182, 1183, 1184,
1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1269.1, 1269.2, 1269.3, 1269.4,
1269.5, 1269.6, 1269.7, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, and 1278;
and

WHEREAS, Louisiana presently provides for the confidentiality of adoption
records and information generally, except as may otherwise be disclosed pursuant
to law; and

WHEREAS, Louisiana further presently provides a voluntary registration
process for contact and the disclosure of information between adopted persons and
their biological parents, stating in Children's Code Article 1270 in part that,
"Adoption is based upon the legal termination of parental rights and responsibilities
of biological parents and the creation of the relationship of parent and child between
an adopted person and his adoptive parents. These legal and social premises
underlying adoption shall be maintained. (1) The legislature recognizes that some
adults, adopted as children, have a strong interest in identifying information about
their biological parents or biological siblings, or both, while other such adult adopted
persons have no such interest. (2) The legislature further recognizes that some
biological parents and biological siblings have a strong interest in identifying
information about their biological children or siblings who were surrendered for
adoption, while others have no such interest. (3) The legislature also recognizes the
potential for special situations whereby other adoptive and biological relatives of an
adopted person, such as a parent, sibling, or descendant, or his parent if a minor, of
a deceased biological parent and an adoptive parent of a minor or deceased adopted
person as well as a descendant of a deceased adopted person, or his parent if a minor,
may have a need for identifying information. (4) The legislature fully recognizes the
right to privacy and confidentiality of biological parents whose children were
adopted, siblings, adopted persons, and the adoptive family."; and

1 WHEREAS, the Louisiana State Law Institute should study present Louisiana
2 law, including the statues and code articles listed above, and advise the Legislature
3 of Louisiana regarding whether adopted persons should get information such as a
4 copy of their original birth certificate or other confidential adoption information
5 without the necessity of a legal proceeding or the showing of a compelling reason;
6 and

7 WHEREAS, such study shall include review and discussion of present
8 procedures in Louisiana and in other states for the obtaining of information by an
9 adopted person concerning their biological parents, the use of contact preference and
10 other forms and voluntary registration procedures for contact and the communication
11 of information between adopted persons and their biological parents, the rights of all
12 parties in light of present Louisiana law, and whether a balancing of interests as
13 presently exists in Louisiana law should be maintained or modified, the reasons
14 therefore, and any recommendations for revising present Louisiana law in the form
15 of proposed legislation to effect such recommendations in a statutorily consistent and
16 coordinated manner."

17 AMENDMENT NO. 4

18 On page 1, between lines 15 and 16, insert

19 "BE IT FURTHER RESOLVED that such study shall include review of
20 present adoption law and recommendations regarding the obtaining of information
21 by an adopted person concerning their biological parents."